



State Intermediate Educational Unit-146 State House Station,
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CDS Administrative Letter : Number 7

DATE: December 13, 2007

TO: CDS Regional Board Chairs, CDS Site Directors, CDS State Level
Advisory Board

FROM: David Noble Stockford, Policy Director and Team Leader
Debra Hannigan, CDS State Director

RE: IEP Team Membership: IEU Representative

Pursuant to federal and state law and regulation, the IEP Team, for children 3-5, must always include a qualified representative of the responsible public agency (i.e. the CDS Site). Section VI. 2.B.4. of Chapter 101 states that the IEP Team must include:

A representative of the school administrative unit who

- (a) Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
- (b) Is knowledgeable about the general education curriculum;
- (c) Is knowledgeable about the availability of resources of the local education agency *and has written authorization to obligate the unit;*

(as in the rule, state language is in *italics*)

Section X.2.A.2 of Chapter 101 describes the individuals who are qualified to provide specially designed instruction:

Specially designed instruction is instruction provided to children ages three to twenty by an appropriately certified or licensed special education professional or an appropriately authorized and supervised educational technician.

For CDS purposes, the persons qualified to provide or supervise the provision of specially designed instruction for purposes of being the representative of the public agency who can be authorized by the regional Board to obligate the CDS site are holders of one of the following certificates:

030	Administrator of Special Education
078	Assistant Special Education Director
079	Special Education Consultant
093	School Psychological Service Provider
282	Teacher of Students with Disabilities
286	Teacher-Severe Impairments
291	Teacher-Visual Impairments
292	Teacher-Hearing Impairments
293	Speech and Hearing Clinician

The Department does not view Educational Technicians, who must be supervised when providing services, as holding adequate authority to commit the funds of a CDS site.

To ensure compliance with this important regulatory provision, the State IEU is requesting that each Board of Directors submit, no later than January 11, 2008, the list of personnel who have written authority to obligate the site as a member of the IEP Team, along with documentation of their qualifications . Once the State CDS IEU receives the information from each site, each individual board will be contacted to determine how to proceed given the information provided. Boards will provide the state CDS IEU with any future changes to this document within 30 days of any changes.

For further information, please contact Debra Hannigan, State Director, Child Development Services, at 207/624-6660, or email her at debra.hannigan@maine.gov